

(b) Finding. Congress finds that the United States Department of State on September 15, 1987, declared itself to be a temporary foreign diplomatic mission for the purpose of denying free speech to American citizens who planned to protest the tyranny of the Soviet regime.

(c) Prohibition. It is not in the national security interest of the United States for the Department of State to declare, and it shall not declare, itself to be a foreign diplomatic mission.

Mr. HELMS. Mr. President, on occasion, in weak moments, I decided the State Department, at long last, has run the full gamut of absurdity. But then comes the State Department with a new one.

Two weeks ago this morning, at 7:30 o'clock, the State Department, would you believe, officially was declared a foreign mission for the duration of the visit of the Soviet Foreign Minister. I am not jesting. This happened. There are many who have suspected, jestingly or otherwise, that the State Department has been acting like a Soviet mission for years. But this time, it was not outraged critics of the State Department or of our foreign policy making the declaration; it was the U.S. Government, itself, that declared the U.S. State Department as a foreign mission, in honor of Soviet Foreign Minister Shevardnadze.

One wonders if Mr. Shevardnadze did not feel like he was coming home.

This may seem like Alice in Wonderland to some Members of the Senate and to the majority of the American people, but it is the absolute reality of what the State Department did 2 weeks ago.

Now, what was the purpose of declaring the State Department to be a foreign mission? It was to use the provision of the Foreign Missions Act to block peaceful demonstrations.

The timing of this declaration that the State Department was a foreign mission is very interesting, because it took place precisely 30 minutes before a group, including a number of U.S. Congressmen, planned to protest the Soviet Union's human rights abuses by peacefully demonstrating in front of the State Department building. By declaring the State Department to be a foreign mission, the Treasury Department's Secret Service automatically triggered a controversial law prohibiting citizens from appearing to demonstrate within 500 feet of foreign missions. This made the State Department, temporarily, a foreign mission for legal purposes, thus barring otherwise legal demonstrations.

In other words, these Americans, including U.S. Congressmen, were gagged. They were denied their first amendment rights; and I do pray, Mr. President, that this will never happen again.

The State Department did not want to distract Mr. Shevardnadze with the sounds of democracy, apparently. Mr.

Shevardnadze was not accustomed, you see, to the sounds of democracy where he comes from in the Soviet Union.

It may be true that glasnost is supposed to mean that a few whiffs of democracy are sprayed over the rotten record of communism on human rights. But even if glasnost does feign a smidgen of democracy in the Soviet Union, it is plain that in this case it meant a denial of democracy in the United States, specifically at Foggy Bottom.

So it is not mere speculation that the intent was to deny U.S. Congressmen and others their constitutional right of free speech. That is exactly what was intended.

The official memorandum issuing notification of this action stated:

We have been advised of a planned demonstration against a foreign minister—

Meaning Mr. Shevardnadze.

during his meeting at the State Department. As a result of a planned demonstration, we have declared the State Department (the main building) as a foreign diplomatic mission within the meaning of 3 USC Section 202 for the duration of the visit.

I ask the Senator from Idaho how he likes that.

Mr. SYMMS. Mr. President, I respond to my colleague by saying, first, that I compliment him for the amendment, and I wish to join him in supporting it. But I have another question I would like to ask the Senator.

If the State Department decided to take this action, to gag people who wanted to demonstrate peacefully, did they have to name themselves the foreign mission of the Soviet Union, or could they have chosen, say, Great Britain or France or some other country more friendly to our wishes, and had the same effect? Was there some reason why they had to have the Soviet Union, to just grind it into all patriotic, red-blooded Americans?

Mr. HELMS. It beats me. If the Senator is asking me to explain many State Department actions, I plead that I cannot do it. I presume that no one would demonstrate against the British or French Foreign Ministers.

Mr. SYMMS. I thank the Senator.

Mr. McCAIN. Mr. President, will the Senator yield for a comment?

Mr. HELMS. I yield.

Mr. McCAIN. Mr. President, I should like to express, perhaps in partial answer to the question of my friend from Idaho, that the suspicions some of my constituents have concerning the State Department might have been confirmed by this activity, since some feel that from time to time the State Department has indeed been a foreign diplomatic mission. Perhaps that partially answers the question of my colleague from Idaho.

Mr. HELMS. I thank the Senator.

Mr. President, let me emphasize that there was not even the slightest pre-

tense by the State Department that there was about to be even the slightest threat of violence or radical or subversive activities contemplated by the demonstrators. These were U.S. Congressmen and others who are fed up with the abuse of human rights by the Communists of the Soviet Union—not only the Soviet Union, but also elsewhere in the world.

As a matter of fact, 2 weeks ago, it was made abundantly clear that it would be a peaceful demonstration. So, what other conclusion can be drawn? The only reason to declare the State Department temporarily to be a foreign mission for the Soviet Foreign Minister was to deny these American citizens their constitutional right to protest against Communist murderers and butchers being treated as worthy and exalted guests. I had no problem with Mr. Shevardnadze coming. But to shield him from American citizens exercising their constitutional rights under the first amendment goes beyond the pale.

Mr. President, I ask unanimous consent that the entire communique regarding the declaration of the State Department as a foreign mission be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Memorandum To: Francis A. Keating II, Assistant Secretary of Enforcement and Operations, Department of the Treasury.

From: Louis Schwartz, Jr., Deputy Assistant Secretary, Diplomatic Security Service, Department of State.

Date: September 11, 1987.

Subject: Declaration of State Department as Foreign Mission.

The Soviet Foreign Minister Shevardnadze will visit Washington, D.C. from September 13-19 and on September 15 he will be at the State Department, 2201 C Street, N.W., Washington, D.C. for a meeting with Secretary Shultz.

We have been advised of a planned demonstration against the Foreign Minister during his meeting at the State Department. As a result of a planned demonstration we have declared the Department of State (the main building) as a foreign diplomatic mission within the meaning of 3 USC Section 202 for the duration of the visit.

Mr. HELMS. Mr. President, let me speculate just a little, and I shall conclude.

It seems to me, as just one Senator—and other Senators may have different views about it—that it would have been in our national interest and in the interest of freedom in the world for the Soviet Foreign Minister to have experienced firsthand what a real democracy is like. It would perhaps have added to the credibility of American representations to the Soviets in the field of human rights.

How in the world are we going to make credible, serious representations to the Soviets about human rights abuses in that country, when the State